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MAR 26 2004

OFFICE OF PETITIONS

In re Application of :
Jang-won Moon, et al :
Application No. 10/715,015 : **DECISION GRANTING PETITION**
Filed: November 17, 2003 :
Attorney Docket No. 5649-1098 :

This is a decision on the petition filed March 12, 2004, requesting that the above-identified application be accorded a filing date of November 17, 2003, instead of the presently accorded date of November 18, 2003.

Petitioner alleges that the application was deposited in "Express Mail" Service with the U. S. Postal Service (USPS) on November 17, 2003. In support, petitioners provide a copy of the Express Mail label, receipt No. EV193631194US. The same Express Mail receipt number was referred to in the original transmittal letter found in the file. It is noted that while the "date in" on the copy of the Express Mail label is blank, it includes an "USPS" receipt stamp dated November 17, 2003.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. The evidence is convincing that the application was deposited as "Express Mail" with the USPS on November 17, 2003.

The petition is granted.

The application is being referred to Initial Patent Examination Division for correction of the filing date to **November 17, 2003**.

Telephone inquiries related to this decision should be directed to the undersigned at (703) 305-9220. Telephone inquiries related to OIPE processing should be directed to their hotline at (703) 308-1202.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy